

EXHIBIT B

From: Herbert Beskin [<mailto:HBeskin@cvillech13.net>]

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To: Doug Little (delittleesq@aol.com) <delittleesq@aol.com>; Lynn Bradley (LBradley@tgblaw.com) <LBradley@tgblaw.com>; Bob Stevens (bob@scslawfirm.com) <[bog@scslawfirm.com](mailto:bob@scslawfirm.com)>; Marshall M. Slayton Esq. (marshall@marshallslayton.com) <marshall@marshallslayton.com>; Jennifer Wagoner (jennifer@marshallslayton.com) <jennifer@marshallslayton.com>; Shannon Morgan <smorgan@rc.law>; Linzie Ragland Esq. (raglandwl@aol.com) <raglandwl@aol.com>; eleban39@aol.com; John P. Goetz (John@johngoetzlaw.com) <John@johngoetzlaw.com>; James M. McMinn (james@johngoetzlaw.com) <james@johngoetzlaw.com>; jerry@marshallslayton.com; Suad Bektic (sbektic@newdaylegal.com) <sbektic@newdaylegal.com>; Scott Carpenter (scott@newdaylegal.com) <scott@newdaylegal.com>; jcm@newdaylegal.com; Roland Carlton (rcarlton@carltonlegalservices.com) <rcarlton@carltonlegalservices.com>; Hannah W. Hutman (HHutman@hooverpenrod.com) <HHutman@hooverpenrod.com>; Dave Wright Esq. (dave@coxlawgroup.com) <dave@coxlawgroup.com>; David Cox (david@coxlawgroup.com) <david@coxlawgroup.com>; Janice Hansen <janice@coxlawgroup.com>; Heidi Shafer <heidi@CoxLawGroup.com>; Stephen Dunn Esq. (stephen@stephendunn-pllc.com) <stephen@stephendunn-pllc.com>; Michelle Dunn Esq. (michelle@stephendunn-PLLC.COM) <michelle@stephendunn-PLLC.COM>; Reginald Yancey (bobby.1925Z@gmail.com) <bobby.1925Z@gmail.com>; Mike Hart <mike@hartlawroanoke.com>; Yvonne Cochran Esq. (ycochran@cochranlawfirm.net) <ycochran@cochranlawfirm.net>; Brian K. Stevens Esq. (bkstevens1534@gmail.com) <bkstevens1534@gmail.com>; 'Robert B. Easterling, Attorney' <eastlaw@easterlinglaw.com>; David Meeks (movetostrike.meeks@gmail.com) <movetostrike.meeks@gmail.com>; Bryan Ragland (bryan@raglandlegal.com) <bryan@raglandlegal.com>; Donald M. Burks (don@DonBurksLaw.com) <don@DonBurksLaw.com>; William Harville <harvillelaw@gmail.com>; Andrew S. Chen, Esq. (andrew@conwaylegal.com) <andrew@conwaylegal.com>; Martin C. Conway (martin@conwaylegal.com) <martin@conwaylegal.com>; Michael P. Regan Esq. (mprlaw90@comcast.net) <mprlaw90@comcast.net>; Malissa Giles <mgiles@gileslambert.com>; Anthony L. White Esq. (awhite@alwhitelaw.com) <awhite@alwhitelaw.com>; Earl Oberbauer (earl@oberbauer-law.com) <earl@oberbauer-law.com>

Subject: RE: Coronavirus update #9: Trustee's policy on mortgage forbearance notices

6/3/20

Attorneys:

This is an update on mortgage forbearances after hearing Judge Connelly's thoughts and attorney comments at the 5/28/20 virtual "brown bag lunch" meeting.

1. The Judge announced that:
 - A. At this time the Court will NOT be issuing any kind of Standing Order or Local Rule to deal with the forbearance notices being filed by mortgagees and servicers.
 - B. The Judge is open to entering "comfort orders" agreed to by the parties concerning these notices.
 - C. The amount and kind of notice, if any, that might be necessary for the entry of any such orders will vary with the relief being sought.

D. The Judge is sensitive to the additional costs these notices may impose upon debtors, and some of the associated problems (e.g., payments made during a forbearance period being put into the creditor's suspense account instead of being applied to the current payment).

2. The general consensus of the attorneys on the call, both debtor and creditor, was that the servicers are still formulating their policies about how to handle these forbearances, and there is no uniformity as to what kind of workouts (if any) they will be offering debtors at the end of these forbearance periods.
3. A number of debtor attorneys expressed concern that some/many of these forbearance notices are apparently being issued without the debtors having requested them, and that many debtors may confuse these temporary forbearances with a forgiveness of payments or an automatic tail-ending of payments.

4. Given all this, the policy of my office will be:

A. For conduit mortgage cases(Trustee making the ongoing mortgage payments): If a notice of forbearance has been filed, I will continue to make the ongoing mortgage payments I have been ordered to pay in the initial distribution order, the confirmed plan, and the confirmation order *until and unless* an order has been entered instructing me to do otherwise. I believe that these previous orders take precedence over a creditor's notice of temporary forbearance.

1. In each conduit case, I will try to reach out to the debtors' attorney to determine what action the attorney wants to take regarding the forbearance notice and current mortgage payments, and what, if any, kind of order we might want to have entered. Attorneys should feel free to contact me as well.
2. If the attorney requests that I ignore the forbearance notice and continue to make the ongoing mortgage payments as previously ordered, I will not feel the need for any additional order, but I will endorse one if requested.
3. If the attorney requests that I temporarily cease making the mortgage payments, I will ask that an order be entered establishing the period of non-payment, how the funds representing those payments should be allocated or disbursed, any impact on the plan base gross, and how any resulting mortgage deficiency will be cured.
4. In each case, we will have to determine (i) whether a motion or notice will need to be filed, (ii) what, if any, notice should be given to the mortgagee / servicer, and (iii) whether we need the endorsement of the creditor on any such order.I'm not sure at this time what the Court will require.

B. In non-conduit mortgage cases(where the debtors are making the mortgage payments directly): If a forbearance notice is filed with the Court, my office will take no action. I will assume that the attorney in each case is monitoring such notices, discussing with their clients what action needs to be taken, and taking appropriate action where required.

Call me if you have any questions about this.

Herb

Herbert L. Beskin, Esq.
Chapter 13 Trustee
P.O. Box 2103
Charlottesville VA 22902
Phone: 434 817 9913, ext. 121; Fax: 434 817 9916
E-mail: hbekin@cvillech13.net
Visit our website at: www.cvillech13.net